

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1589 OF 2005
IN
SUIT NO. 1797 OF 1981

M/s.Gala Construction Pvt.Ltd... Plaintiffs.

Versus

Kamlakar N. Samant & Ors.... Defendants.

A N D

Divya Vasundhara Financers Pvt.Ltd.... Applicant.

Mr. Ali Murtaza i/by Mr. R. D. Sethna for Plaintiffs.

Mr. Dhiren Shah i/by Vimla & Co.,
for Defendant Nos.2 to 4.

CORAM : S.C.DHARMADHIKARI, J.

DATED : 14TH JUNE, 2006.

P.C.:

None present for the Applicant when called out.

2. From a reading of the affidavit in support of this Chamber Summons it is clear that the suit in which the same is taken out has been disposed of in terms of the consent terms. The applicant who is not a party to the said suit is praying that it should be joined as

party defendant to the said suit.

3. In my view, once consent terms are arrived at between the parties to the suit and it stands disposed of, such an application at the instance of the Applicant is not maintainable. If the Applicant is affected by the consent decree passed in the present suit, its remedy is to take out substantive proceedings and raise all such contentions as are raised in the affidavit in support of the Chamber Summons. Reserving such liberty and keeping all contentions open, the present Chamber Summons is dismissed as not maintainable.

4. No order as to costs.

Sd/-

(S.C.DHARMADHIKARI, J.)